

**MINUTES OF THE
MERRILLVILLE STORMWATER MANAGEMENT BOARD MEETING
WEDNESDAY, NOVEMBER 7, 2012**

President Bud Crist called the November 7, 2012 Merrillville Stormwater Management Board (SWMB) meeting to order at 4:34 p.m. Members in attendance were Barbara Ghoston and Dorinda Gregor. Staff present was Executive Director Matt Lake, Attorney James Meyer and Secretary Liz Bushemi. Councilwoman Chrissy Barron, the Town Council liaison to Stormwater Utility, was also present.

Included in the agenda packet was a copy of the minutes from the October 2, 2012 monthly SWMB meeting. Barbara Ghoston made a motion to approve the minutes from the October 2, 2012 meeting, and it was seconded by Dorinda Gregor; there were no questions or corrections, and the motion was approved and unanimously carried.

Also included in the agenda packet were the current appropriation reports and accounts payable registers. Barbara Ghoston made a motion to approve the accounts payable registers from October 9, 2012 and October 23, 2012, and it was seconded by Dorinda Gregor; there were no questions, and the motion was approved and unanimously carried. Mr. Crist stated that included in the members' agenda packets were the appropriation reports for their review.

COMMENTS FROM THE PRESIDENT

Mr. Crist said the Stormwater Utility staff moved to the rental office at 9111 Broadway, Suite C, in Broadfield Center, and everything is going very well. New office furniture and some office equipment was purchased from Everyday Office Supplies at a cost of \$12,727.38, the lowest bidder and a local company from Merrillville; the other quote was from K&T Enterprises of Crown Point for \$14,729.00.

OLD BUSINESS

Mr. Crist said they are working with Skillman Corporation on options for the new Stormwater Resource Center, including an FBI-type building. Councilwoman Barron said Stormwater needs to think of the future and build the building Stormwater originally planned and not to remove any aspects of the original plans; member Dorinda Gregor agreed. She said this is the first building for Stormwater Utility and it should be built as planned; Mr. Crist said only some of the building style may change, and Matt Lake said Skillman is advising them on options.

Dorinda asked Matt how he would feel being the executive director for the Stormwater office in New York or New Jersey following Hurricane Sandy, and Matt said the Federal Emergency Management Agency (FEMA) says there is always a risk of flooding when an area is near water and with weather like they had last week.

Regarding the Taft Street Drainage Improvement Project, Bud said they are waiting for NIPSCO to move gas lines and are hopeful it will be done this month. Depending on weather, Dyer Construction Company may do more work; otherwise, work will continue in the spring. NIPSCO is currently working on east Taft Street. Bud said grass is turning green on both ponds. Matt had pictures of the detention ponds as they appear today.

Bud said the office received a bill from Dyer Construction Company for pay request #3, a copy which was included in the members' packets, for \$284,238.16. Dorinda Gregor made a motion to approve payment to Dyer Construction Company in the amount of \$284,238.16, and it was seconded by Barbara Ghoston. A roll call vote was taken, and all three members voted yes, and the motion to pay Dyer Construction Company the sum of \$284,238.16 was unanimously approved.

Matt said he is waiting on the purchase order for \$750,000 from the Indiana Department of Transportation (INDOT) for their contribution to the Taft Street project.

Matt finalized paperwork for submission to the Indiana Department of Natural Resources (IDNR) for the funding request of the Emerald Ash Borer (EAB) grant, which included outreach to residents, treatment and planting of new trees to replace infected ones and the summer interns' time. He had discussions with IDNR regarding treatment of trees due to the expense to public works to receive and mulch all the trees that could become infected.

He said a shoreline stabilization project is being done at Bon Aire Lake. Initially, resident Harriet Pillow was upset with public works staff coming onto her property. A grant of easement was signed by Mrs. Pillow, which allows town personnel access to town property in order for the work to be done on the project.

Matt said a rain garden will be created in the spring for the 54th Court project to finalize that project. Currently, it is filled with mulch until weather permits the rain garden to be planted. He showed members a current picture of the project.

Dorinda asked about the rain garden on the back part of public works property, and Matt said was re-done last year, with new plugs planted. A rain garden may also be planted at a local elementary school because citizens are seeing the importance of rain gardens.

Regarding the Meadowdale 54th Avenue project, Matt said once 401 permitting is received from the Indiana Department of Environmental Management (IDEM), the project will be bid. He thanked Attorney Jim Meyer for his assistance in this matter.

Matt attended the Indiana Urban Forest Council fall conference on October 10th and presented on trees and stormwater.

He said the Northwest Indiana Stormwater Advisory Group (NISWAG) continues to meet and have discussed a new Memorandum of Understanding (MOU) for involvement with the Northwestern Indiana Regional Planning Commission (NIRPC). The members are looking at what works and has not worked for payment of the large sum to NIRPC for their regional outreach program. Matt would like Merrillville to print its own promotional materials with Merrillville's logo, not NIRPC's, to promote the Merrillville Stormwater Utility program; this would save Stormwater thousands of dollars, where the current \$11,300 annual membership fee to NIRPC could possibly be reduced to \$3,800.

He is also meeting with Jeff Langbehn at the Lake County Solid Waste Management District (LCSWMD) regarding other outreach materials and their program.

Matt said he and Bud are reviewing the contract with Robinson Engineering for Phase II of their town-wide mapping project. He has had contact with Robinson Engineering about green street strategies in adding this to engineering standards.

He recently met with Christopher Burke Engineering regarding the Stormwater master plan, and they are moving forward on this for future projects in the town.

Matt hopes to have a meeting with Bon Aire Lake residents to discuss a management plan for treatment strategies, property ownership, access and safety at the lake.

Last month, he sent IDEM Merrillville's Rule 13 annual report, which will be reviewed by IDEM. He said he was informed that the state is planning to change reporting to include more maintenance and monitoring issues, but said Merrillville is prepared for any new issues that may arise from additional reporting requirements.

Matt said Compliance Officer Joe Fish has been busy issuing citations, and people are remedying the problems and also paying the fines imposed. Matt said they just received notification of a \$300 fine being paid at the Town Court. Since there have been some problems with follow-up and enforcement at the Town Court with larger cases, they are hopeful that Attorney Jim Meyer can represent Stormwater at future court hearings. Bud said he plans to meet with Shawn Pettit to keep him advised of Joe's activities and also discuss having Attorney Meyer represent Stormwater at future hearings.

He said Stormwater received a check from Independence Hill Conservancy District for \$12,729 for engineering costs and legal fees incurred with the grant and agreement for easement for the meter station at 7501 Taft Street. Stormwater is recouping money for costs and fees incurred in matters like that as well.

Matt received an email from IDEM regarding their Operation & Maintenance (O&M) for Best Management Practices (BMPs); he is also sending letters of support for communities applying for grants for watershed monitoring. He said IDEM has said MS4s must participate and NIRPC should be doing more.

Barbara Ghoston looked at the copy of Matt's annual report submitted to IDEM and asked him about co-permitting. Matt explained that it is where two entities work together for one permit, which happens occasionally; for example, where a town and a university join to co-permit on a project. A copy of the IDEM annual report will be given to the Town Council at their meeting next week.

NEW BUSINESS

Attorney James Meyer gave Board members a copy of his proposed Legal Services Agreement. He said no contract was ever signed last year since the Town Council attorney never reviewed and returned it. He said for 2012, his hourly rate has been \$135 per hour, and the 2013 rate will be \$150 per hour and a \$200 flat fee for attendance at Board meetings. He asked that the Board members review his proposed contract and vote on it at the December meeting.

Bud Crist said engineering costs have increased substantially this past year and said they need to be watched closely in the future.

Mr. Crist asked the Board for a motion to approve the Legal Services Agreement with Attorney Meyer. Dorinda Gregor made a motion to approve the Legal Services Agreement with James Meyer & Associates PC at the new rate, and it was seconded by Barbara Ghoston. There were no questions, and the motion was approved and unanimously carried.

ANNOUNCEMENTS

Mr. Crist announced that the next Stormwater Management Board meeting will be held on Tuesday, December 4, 2012, at 4:30 pm tentatively at the new Stormwater Utility office at 9111 Broadway, Suite C.

Dorinda Gregor made a motion to adjourn, and it was seconded by Barbara Ghoston. The meeting was adjourned at 5:35 p.m.

Respectfully submitted,

Liz Bushemi
Secretary